

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

(ECF)

STEPHANIE VARGAS, on behalf of
Minor Child Icis Rivera,

: 12 Civ. 3084 (RJS) (JCF)

Plaintiff,

: REPORT AND
: RECOMMENDATION

- against -

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

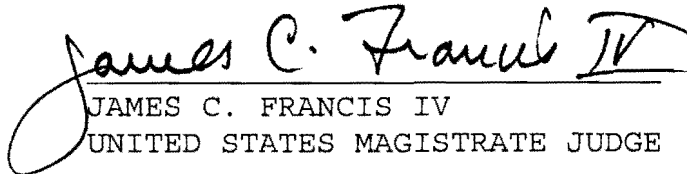
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TO THE HONORABLE RICHARD J. SULLIVAN, U.S.D.J.:

The complaint in this action was filed on April 19, 2012. However, service on the defendant was never effected. By letter dated October 5, 2012, addressed to plaintiff's counsel at the address listed on the docket sheet, and again by letter dated November 8, 2012, addressed to plaintiff's counsel at the address listed in an internet directory, I advised counsel to submit within two weeks a letter setting forth any reasons why the action should not be dismissed. Counsel never responded. I therefore recommend that the complaint be dismissed without prejudice under Rule 4(m) of the Federal Rules of Civil Procedure. Pursuant to 28 U.S.C. § 636(b)(1) and Rules 72, 6(a), and 6(d) of the Federal Rules of Civil Procedure, the parties shall have fourteen (14) days from this date to file written objections to this Report and Recommendation. Such objections shall be filed with the Clerk of the Court, with extra copies delivered to the chambers of the

Honorable Richard J. Sullivan, Room 640, and to the chambers of the undersigned, Room 1960, 500 Pearl Street, New York, New York 10007. Failure to file timely objections will preclude appellate review.

Respectfully submitted,


JAMES C. FRANCIS IV
UNITED STATES MAGISTRATE JUDGE

Dated: New York, New York
December 20, 2012

Copies mailed this date:

Karen Marie Tobin, Esq.
500 Mamaroneck Ave., Suite 320
Harrison, NY 10528